

RONAN, TUZZIO & GIANNONE 2632 LAO
4000 ROUTE 66
One Hovchild Plaza
Tinton Falls, NJ 07753
(732)922-3300

Attorneys for Defendant, Brookdale Community College
Our File No. 61-7030LAO

RECEIVED

JUL 28 2009

AT 8:30
WILLIAM T. WALSH M
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CAROLYN SCHWEBEL, CARMENA
STONE, ADVOCATES FOR
DISABLED AMERICANS (AFDA)

Plaintiffs,

vs.

BROOKDALE COMMUNITY COLLEGE,

Defendant-Third Party
Plaintiff

vs.

Kaplan-Gaunt-DeSantis, Rothe-
Johnson Associates, Roth Johnson
Fantacone, The Hillier Group, Yaffe,
Prescott and Schorr DePalma,

Third Party Defendants

FLW
CASE NO. 05-3985(SRG)

CIVIL ACTION

CONSENT ORDER and FINAL JUDGMENT

This matter having been brought before the Court for a settlement conference on February 23, 2009 before the Honorable Tonianne J. Bongiovanni, US Magis J., and upon the appearances of the attorney for the Plaintiffs, Anthony J. Brady, Jr., Esq. and the attorney for the Defendant-Third Party Plaintiff Brookdale Community College, Linda A. Olsen, Esq. and the attorneys with the knowing and voluntary consent of each of the parties, having entered into a settlement of the above-captioned action;

IT IS on this 27 day of July 2009, ORDERED, ADJUDGED and DECREED, as follows:

1. On or before thirty days from the date of entry of this consent order and judgment Defendant Brookdale Community College will pay to Plaintiffs and their attorney the sum of forty thousand dollars (\$40,000.00) in full and final settlement of any and all claims, expenses, damages, attorneys' fees and costs and disbursements.

2. On or before thirty days from the entry of this consent order and judgment, each Plaintiff will give to Defendant a General Release in the form annexed hereto as "Exhibit A".

3. The parties contemplate that the items listed below in paragraph 6 below, will be accomplished with all deliberate speed, as outlined below with the schedule.

4. Plaintiffs must provide specific written notice of any claim that any of the items listed in Paragraph 6 below have not been done as scheduled or have been done incorrectly. Defendant Brookdale Community College will have 60 days from receipt of that written notice to complete or repair that item before Plaintiffs can seek formal relief from the Court.

5. As part of the agreement, Defendant has completed the following items:

- a. The handicapped parking signage has been changed to reflect the current fine.
- b. The signage in the parking lot next to the Administration Building is no longer less than 60 inches above the ground surface.
- c. Maintenance has removed vegetation from the travel routes.
- d. The slope from the parking area to the Administration Building has been changed to be compliant.
- e. The control at the doorway of the Administration Building is no longer on a slope.
- f. The door weights/closing speeds of all of the doors throughout the campus

have been corrected.

- g. The signage for the accessible restrooms will be posted by March 31, 2009.
- h. A new concrete sidewalk has been constructed for the current Holocaust Building.
- i. The bathrooms in Larrison Hall and the upstairs bathrooms in the Student Life Center have been made compliant.
- j. The tables in the common area of Larrison Hall and the Student Life Center have the proper clearance.
- k. All gazebos throughout campus have been designated as smoking areas will be handicapped accessible by March 31, 2008.
- l. The temporary trailers near the Center for Visual Arts have been removed.
- m. Barrier added to the NAS building staircase.
- n. Seats with removable arms have been added to the auditorium in the Performing Arts Center.
- o. Clip boards with pens have been provided in the Center for Visual Arts.
- p. Defendant Brookdale Community College has agreed to training regarding compliance with current laws for ADAAG and ANSI. It is understood that the training will be conducted by Plaintiff's expert, William Cody of William Cody Associates, Inc. The training will be given to Richard Frank, Earnest Oversen, Disabilities Services Officer, as well as others to be determined.

6. The Defendant agrees to complete the following items, as per the following schedule:

March 31, 2009

- a. The control for the water fountain located in the Administration Building will be made compliant.

- b. The second floor women's bathroom and the men's bathroom in the Administration Building's coat hook will be mounted according to standards.

April 30, 2009

- a. The picnic table in front of the parking spaces near the Administration Building will be replaced and will be accessible.

May 31, 2009

- a. Companion seats added to the Theater.
- b. Lobby bathrooms' made compliant.
- c. Lobby telephones made height compliant.
- d. Water fountain made height complaint.
- e. Water fountain control pressure made compliant.
- f. Bathrooms made compliant in the Center for Visual Arts, MAC and Advance Tech Center.

August 31, 2009

- a. Parking spots in Parking Lot 3 will be rearranged prior to Labor Day 2009, which will include the removal of the President's parking spot from its current location.
- b. Lower level bathrooms in the Student Life Center made compliant.

September 30, 2009

- a. Re-lining parking lot by Police Station to accomodate two handicapped spaces.
- b. Bathrooms made compliant in police station.
- c. Compliant literature table in police station.
- d. Eight communication handsets and six complete communication units will

be upgraded in the elevators throughout the Lincroft Campus.

November 30, 2009

- a. Bathrooms in Children's Learning Center made compliant.

December 31, 2009

- a. Bathrooms on first floor in Administration Building will be renovated and made compliant.
- b. Ramp from rear exit of Larrison Hall's slopes to be corrected.
- c. Performing Art Center secondary exit to be corrected.
- d. Route of travel constructed for the secondary exit to the Performing Arts Center.
- e.. New accessible emergency phone system for entire campus.

August 31, 2010

- a. Bathrooms on second floor in the Administration Buildings, flush valves and toilet height and spacing to be corrected.

December 31, 2010

- a. Visitors' lot by Administration Buildings to be re-designed and replaced.
- b. Correct route of travel to ramp from parking lot by Administration building.
- c. Student Life Center's vending machines to have proper floor clearance.
- d. Drainage grates in parking lot by Student Life Center will not be in the parking spaces.
- e. Correct slopes in ramp from the Student Life Center exit to the parking lot.
- f. Fitness Center will be moved to the the New Arena.
- g. New bleacher project for baseball field completed.

September 30, 2011

- a. Parking lot 6's problems corrected.

December 31, 2011

- a. Holocaust Center moved to library.

August 31, 2012

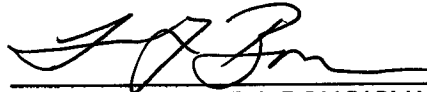
- a. Slopes at doors at the Children's Learning Center to be corrected.

September 30, 2012

- a. Parking lot and sidewalk by Performing Art Center replaced.

December 31, 2012

- a. Parking lot by police station's problems corrected.
- b. Water fountain in Performing Art Center replaced and located with enough floor space.
- c. Rear exit slope and side entrance to Center for Visual Arts' problems corrected.
- d. Parking lot by Center for Visual Arts to be regraded.

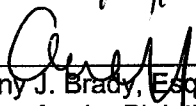


HONORABLE TONIANNE J. BONGIOVANNI, US Magis.J

Consent to form and
Entry of this Order and
Final Judgment:

Dated:

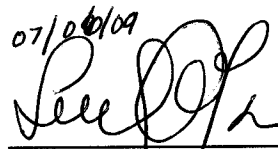
6/24/09



Anthony J. Brady, Esq.
Attorney for the Plaintiffs

Dated:

07/06/09



Linda A. Olsen, Esq.
Ronan, Tuzzio & Giannone, P.C.
Attorney for the Defendants